

ATTORNEY DOCKET NUMBER  
072271.0118

PATENT APPLICATION  
09/624,439

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jonathan (nmi) Ellenberg, et al.  
Serial No.: 09/624,439  
Filing Date: July 24, 2000  
Art Unit: 3694  
Confirmation No.: 5413  
Examiner: Daniel S. Felten  
Title: *A SYSTEM AND METHOD FOR CONDUCTING  
A CUSTOMER AFFINITY PROGRAM AUCTION*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REVOCATION OF ATTORNEY AND APPOINTMENT  
OF NEW ATTORNEYS FOR NON-PROVISIONAL APPLICATION, WITH  
CERTIFICATE UNDER 37 C.F.R. 3.73(b)**

*MERRILL LYNCH & Co., INC.*, a Delaware corporation, certifies that it is the assignee in the patent application identified above by virtue of a chain of title from the inventors, of the patent application identified above, to the current assignee as shown below:

1. From: Jonathan (nmi) Ellenberg and Josh (nmi) Nabozny  
To: Merrill Lynch & Co., Inc.  
**Copy of which is attached**

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I hereby revoke all prior powers of attorney in the subject application and appoint the following as principal attorneys with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

I hereby appoint:

Practitioners at Customer Number

**05073**

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Please address all correspondence to the following:

Samir A. Bhavsar, Esq.

at the above-mentioned Customer No.

Please direct all phones calls to the following:

Samir A. Bhavsar, Esq.

Direct: (214) 953-6581

I, Robert F. Bahrampour, Chief Intellectual Property Counsel of Merrill Lynch & Co., Inc., a Delaware corporation, am empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DAL01:990459

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Merrill Lynch & Co., Inc.

1/02/08

Date

By:

  
\_\_\_\_\_  
Robert F. Bahrampour  
Chief Intellectual Property Counsel

DAL01:990459

PATENT

Docket No. 3951-4001

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

Jonathan ELLENBERG, 23 Murphy Drive, Bridgewater, NJ 08807, USA

Josh NABOZNY, 15 Kingswood Way, Manalapan, NJ 07726, USA

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery or invention entitled:

A SYSTEM AND METHOD FOR CONDUCTING A CUSTOMER AFFINITY PROGRAM AUCTION  
(title of discovery or invention)

for which application for Letters Patent of the United States has been executed on even date herewith,  
 for which application for Letters Patent of the United States has been filed on \_\_\_\_\_, under Serial No.  
\_\_\_\_\_, and

WHEREAS:

Merrill Lynch & Co., Inc., 4 World Financial Center, New York, NY 10080 USA  
(name and address of assignee)

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

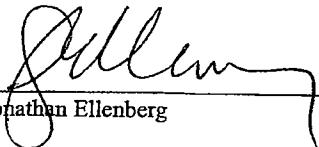
Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of one Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, its successors, legal representatives and assigns, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and behalf of the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I, SAID, ASSIGNOR(S), hereby covenant that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE, its successors, legal representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE, its successors, legal representatives, or assigns, communicate to the ASSIGNEE, its successors, legal representatives, or assigns, as the case may be, any facts known to me respecting said discovery or invention, and execute and deliver any and all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE, its successors, legal representatives and assigns, and that if reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations, or refilings of the said applications, or any thereof, shall hereafter be desired by the ASSIGNEE, its successors, legal representatives, or assigns, I will, at any time, when called up to do so by the ASSIGNEE, its successors, legal representatives, or assigns sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discover in all countries, and without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature:

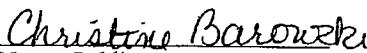
  
Jonathan Ellenberg

Citizenship: USA

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12 day of July, 2002.

STATE OF New Jersey )  
ss.:  
COUNTY OF Mercer )

On this 12 day of July, 2002 before me, the undersigned authority, personally appeared to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposed therein specified.

  
Notary Public

**CHRISTINE BAROWSKI**  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES JAN. 30, 2004

Assignor's signature:

Joshua Nabolgy  
Josh Nabolgy

Citizenship: USA

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12 day of July,  
2000

STATE OF New Jersey ss.:  
COUNTY OF Mercer )

On this 12 day of July, 2000 before me, the undersigned authority, personally appeared  
to me known and known to me to be the individual who is described in and who executed the foregoing Assignment,  
and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and  
purposes therein specified.

Christine Barowski  
Notary Public

**CHRISTINE BAROWSKI**  
**NOTARY PUBLIC OF NEW JERSEY**  
**MY COMMISSION EXPIRES JAN. 30, 2004**

FORM: ASSIGN. PAT  
Rev. 07/29/99